UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES E. RAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 80-0963 C (4)
	)	
UNITED STATES DEPARTMENT	)	
OF JUSTICE,	)	
CONRAD BAETZ,	)	
	)	
Defendants.	)	

MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Come now the United States Department of Justice and Conrad Baetz, defendants herein, by Robert D. Kingsland, United States Attorney for the Eastern District of Missouri, and Wesley D. Wedemeyer, Assistant United States Attorney for said District, and move this honorable court to dismiss plaintiff's complaint, or, in the alternative, for an order granting summary judgment, pursuant to Rules 12(b) and 56, F.R.Civ.P., for the reasons that (1) plaintiff's complaint fails to state a claim upon which relief can be granted, (2) the plaintiff's complaint fails to assert this court's subject matter jurisdiction, and (3) the defendants herein are entitled to judgment as a matter of law.

ROBERT D. KINGSLAND
United States Attorney

WESLEY D. WEDEMEYER
Assistant United States Attorney

Copy of the above and foregoing mailed to James E. Ray, Brushy Mountain Prison, Petros, Tennessee 37845, this 4 day of November, 1980.